

IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

WILLIAM LEE KIRBY,	)	
# 182 340	)	
Petitioner,	)	
v.	)	CASE NO. 3:06-cv-456-WKW
	)	
LEON FORNISS, WARDEN, <i>et al.</i> ,	)	
	)	
Respondents.	)	

**ORDER**

There being no objections filed to the Recommendation of the Magistrate Judge (Doc # 23), and upon an independent review of the file in this case, it is ORDERED that the Recommendation is adopted and that:

1. Petitioner's 28 U.S.C. § 2254 petition for habeas corpus relief filed on May 25, 2006 is DENIED.
2. This cause of action is DISMISSED with prejudice as time-barred.

An appropriate judgement will be entered.

DONE this 1st day of October, 2008.

/s/ W. Keith Watkins  
UNITED STATES DISTRICT JUDGE